

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

In re:

CHAPTER 7

FLOYD W. THOMAS &
SANDRA L. THOMAS,

BANKR. NO. 98-01090-PNS3

DEBTORS.

AMERICAN EXPRESS TRAVEL RELATED,
SERVICES COMPANY, INC.,

PLAINTIFF,

ADVERSARY NO. 98-80037

vs.

FLOYD W. THOMAS a/k/a
FLOYD THOMAS &
SANDRA L. THOMAS a/k/a
SANDRA L. PERIALAS a/k/a
SANDRA THOMAS,

DEFENDANTS.

STIPULATED JUDGMENT AND ORDER ON COMPLAINT TO DETERMINE
DICHARGEABILITY OF DEBT

American Express Travel Related Services Company, Inc., ("Plaintiff") and Floyd W. Thomas (a/k/a Floyd Thomas & Sandra L. Thomas a/k/a Sandra L. Perialas a/k/a Sandra Thomas (Defendants")) by and through their undersigned counsel, hereby stipulate and agree as follows:

1. Judgment in the above matter shall be entered in favor of Plaintiff with regard to account number 3783-402689-92009 in the principal sum of \$4,296.46 (hereafter referred to as "Judgment Amount"), plus interest at the legal rate from the date of entry of judgment, plus costs and attorneys fees, and that the said sum is nondischargeable.

2. Execution on the said judgment shall be stayed so long as Defendants pay the sum of

U.S. BANKRUPTCY COURT
Northern District of Florida
DATE ENTERED ON DOCKET
11.19.98

BANKRUPTCY COURT
NORTH/DIST-FLA
PENSACOLA, FLA

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\$2,000.00 ("Settlement Amount") as follows: \$100.00 per month for twenty (20) months. Upon payment of the sum of \$2,000.00, judgment shall be satisfied in full. The first payment shall be due by December 15, 1998.

3. In the event that Defendants fail to make timely payments as hereinabove stipulated, Plaintiff shall have the right to proceed with execution upon said judgment for the unpaid balance, less payments already made, shall be allowed to charge interest upon the unpaid Judgment Amount at the rate of 10% annum, and shall be allowed to add any reasonable costs of collection, including reasonable attorney fees incurred by Plaintiff at anytime whatsoever.

4. Defendants may prepay all or any portion of the Settlement Amount at any time without penalty.

5. Plaintiff remains entitled to distribution from the bankruptcy estate. Any amounts received from the bankruptcy estate in combination with any monies paid by the Defendants as set forth in paragraph 2 above, which exceed the account balances, shall be returned to Defendants, except as provided in the above paragraph.

6. If Defendants' bankruptcy is dismissed or discharged is denied, Plaintiff shall be entitled to recover the full account balances as of the petition date, less credit given for all amounts received hereunder.

7. Any payments becoming due after Defendants have defaulted on any monthly payment or after Defendants have furnished insufficient funds to Plaintiff shall thereafter be made in the form of money order or certified funds.

8. Defendants shall submit their payments, made payable to American Express Travel Related Services Company, Inc., to BECKET & LEE LLP, P.O. Box 3001, Malvern, PA 19355 or at any future address designated by the Plaintiff in writing. Defendants shall reference account number 3783-402689-92009 on all tendered payments.

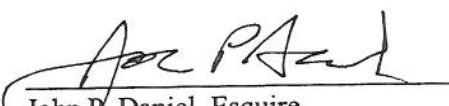
9. By signature below, Defendants declare that this agreement represents a fully informed and voluntary agreement by Defendants and does not impose an undue hardship on Defendants or dependent(s) of Defendants.

10. Defendants' attorney has reviewed this Stipulation and represents that this settlement is in the best interest of his clients.

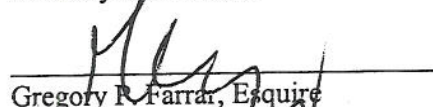
WHEREFORE, the parties pray this Honorable Court for an Order granting the Stipulated Judgment and closing the adversary matter.

Dated:

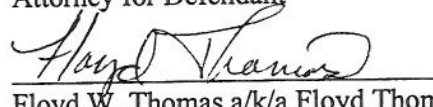
By:


John P. Daniel, Esquire
P.O. Box 12950
Pensacola, FL 32576-2950
(850) 469-3312
Attorney for Plaintiff

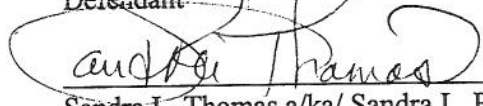
Dated:


Gregory P. Farrar, Esquire
109 North Palafox Street
Pensacola, FL 32501
(850) 434-8904
Attorney for Defendant

Dated:


Floyd W. Thomas a/k/a Floyd Thomas
11000 Havburg Drive
Pensacola, FL 32506
Defendant

Dated:


Sandra L. Thomas a/ka/ Sandra L. Perialas
a/k/a Sandra Thomas
11000 Havburg Drive
Pensacola, FL 32506
Defendant

ORDER

IT SO BE ORDERED:

DATED: November 18, 1998


MARGARET A. MAHONEY
U.S. BANKRUPTCY JUDGE

cc: John P. Daniel, Esquire
Gregory P. Farrar, Esquire
Floyd W. Thomas
Sandra L. Thomas

I HEREBY CERTIFY that this is a true and correct copy of the original on file in the office of the Clerk, United States Bankruptcy Court for the Northern District of Florida.
By  LARRY A. PACE, Clerk, Bankruptcy Court
Deputy Clerk